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APPLICATION NO.	I	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,214		03/29/2004	Krzysztof W. Pankiewicz	08841.105019 CON 2	3043
20786	7590	05/05/2005		EXAM	INER
KING & S	PALDIN	IG LLP	TRINH, BA K		
191 PEACH	ITREE ST	ΓREET, N.E.			
45TH FLOOR				ART UNIT	PAPER NUMBER
ATLANTA,	, GA 30	303-1763	1625		
				DATE MAILED: 05/05/2000	<

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/812,214	PANKIEWICZ ET AL.				
Office Action Summary	Examiner	Art Unit				
	Ba K. Trinh	1625				
The MAILING DATE of this communication						
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.						
- Extensions of time may be available under the provisions of 37 C	FR 1.136(a). In no event, however, may a	reply be timely filed				
after SIX (6) MONTHS from the mailing date of this communicati If the period for reply specified above is less than thirty (30) days If NO period for reply is specified above, the maximum statutory Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	, a reply within the statutory minimum of thi period will apply and will expire SIX (6) MOI statute, cause the application to become A	NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status	•					
1) Responsive to communication(s) filed on	<u>4/18/2005</u> .					
2a) This action is FINAL . 2b) This action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-26</u> is/are pending in the application.						
4a) Of the above claim(s) <u>10-26</u> is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-9</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction a	and/or election requirement.					
Application Papers						
9)☐ The specification is objected to by the Exa	aminer.					
10) The drawing(s) filed on is/are: a)] accepted or b)□ objected to	by the Examiner.				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12)☐ Acknowledgment is made of a claim for fo	reign priority under 35 U.S.C.	§ 119(a)-(d) or (f).				
a)□ All b)□ Some * c)□ None of:	3 (,	3 · · · (=) (=) (=)				
 Certified copies of the priority docu 	ments have been received.					
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International B	, , , , , , , , , , , , , , , , , , , ,					
* See the attached detailed Office action for	a list of the certified copies not	t received.				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview	Summary (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-94	8) Paper No((s)/Mail Date				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/S Paper No(s)/Mail Date 4/11/2005	5B/08) 5) Notice of (6) Other:	Informal Patent Application (PTO-152)				
L U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04)	ice Action Summary	Part of Paper No./Mail Date 04282005				

DETAILED ACTION

Claims 1-26 are pending.

Applicant's election without traverse of Group I claims 1-9 in the reply filed on 4/18/2005 is acknowledged. Claims 10-26 are withdrawn from consideration as being drawn to non-elected invention, and should be canceled in responding to this office action.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for X being methylene or halomethylene, does not reasonably provide enablement for X being NR. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. The specification fails to provide teachings of how to obtain and/or prepare the starting material wherein X being NR group to make the claimed compound. The claimed compounds with X being methylene group is distinct from the claimed compounds with X being NR, and the processes of making them are also distinct one from other. Undue experimentation is required to make the claimed compounds.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Application/Control Number: 10/812,214

Art Unit: 1625

Claims 1-3 and 8-9 are rejected under 35 U.S.C. 102(a) as being anticipated by compound 19a and the reaction Scheme 1 in page 2534 of Lesiak et al (J. Med. Chem., 40(16),

Page 3

1997).

Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach and /or fairly suggest the current compound Zp2 as the starting material for the claimed process.

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba K. Trinh whose telephone number is (571) 272-0695. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571) 272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba K. Trinh

Primary Examiner

Art Unit 1625

TRINH/BKT 28 April 2005